

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JANE DOE 1, *et al.*,

Plaintiffs,

v.

Civ. No. 23-362 GBW/JHR

EASTERN NEW MEXICO UNIVERSITY
BOARD OF REGENTS, *et al.*,

Defendants.

ORDER SETTING JURY TRIAL

The Court held a telephonic conference on January 24, 2024, to determine the dates of the jury trial in this case. The Court sets the following dates and deadlines:

A **Pretrial Conference** will be held on **January 30, 2025, at 11:00 a.m. in the Organ Courtroom at the United States Courthouse, 100 North Church Street, Las Cruces, New Mexico**. All attorneys participating in the trial must be present for the pretrial conference. The parties may, but need not, be present.

Jury Selection and Jury Trial will begin on **February 18, 2025, at 9:30 a.m. in a courtroom¹ to be determined at a later date**.

Counsel are directed to submit a proposed consolidated final pretrial order as follows: Plaintiffs to Defendants on or before **January 9, 2025**; Defendants to Court on

¹ The possible trial locations include the Pete V. Domenici U.S. Courthouse in Albuquerque, the U.S. Courthouse in Las Cruces, or the U.S. Courthouse in Roswell.

or before **January 16, 2025**.² Counsel are directed that the pretrial order will provide that no witnesses except rebuttal witnesses, whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

Motions in Limine: All motions in limine³ are due **January 9, 2025**. Any responses or objections are due **January 16, 2025**.⁴

Witness Lists: The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial. Witness lists are due **January 9, 2025**. Any objections to a witness named by the opposing party must be filed by **January 16, 2025**.

Designations and Counter-Designations of Deposition Testimony: The parties shall file designations, and counter-designations, of deposition testimony that they intend to use at trial. The designations and counter-designations must state the pages and lines of the deposition to be used. Plaintiffs will use a yellow marker and Defendants a blue marker. These requirements do not apply to cross-examination or

² These deadlines for the proposed pre-trial order supersede any previously set deadlines.

³ Motions challenging the admissibility of expert testimony under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) are not motions in limine. *Daubert* motions shall be filed no later than the dispositive motions deadline.

⁴ While the parties are free to file motions in limine early, the response date set herein will remain the same. In other words, the response deadline set herein supersedes the deadline that would result from the operation of D.N.M.LR-Civ. 7.4.

rebuttal of a witness presented in person at trial. Designations must be filed by **January 9, 2025**. Counsel must **jointly submit one physical copy** of each deposition to my chambers by this due date and must highlight the parts of the depositions that are to be used. Any objections to testimony designated by the opposing party, and any counter-designations, must be filed by **January 16, 2025**. If the parties wish to make further designations in light of the designations and counter-designations, leave for additional designations must be requested from the Court **at the pre-trial conference**.

Exhibits: The parties shall **jointly** file one list of stipulated exhibits and shall separately file lists of contested exhibits no later than **January 16, 2025**. They shall also submit **two physical copies of marked exhibits to my chambers by the next day**. The first copy shall include exhibits that the parties stipulate to be admissible, and shall be labeled consecutively. The second copy shall include exhibits whose admissibility is contested, and shall be labeled consecutively beginning with the next sequential number after the final stipulated exhibit designation. For instance, if there are 50 stipulated exhibits, 20 contested plaintiff's exhibits, and 20 contested defendant's exhibits, the first notebook shall contain stipulated exhibits numbered 1 to 50. The second notebook shall contain plaintiff's contested exhibits numbered 51 through 70 and defendant's contested exhibits numbered 71 through 90.

In order to allow sufficient time for a party to decide whether to contest the admission of exhibits, each party must send a list of their proposed exhibits to the

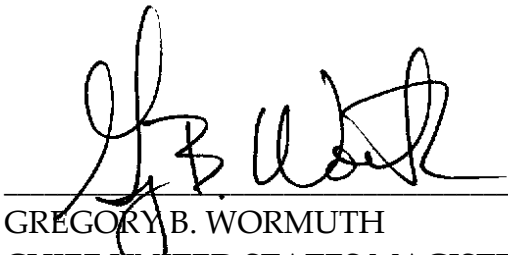
opposing party no later than **January 9, 2025**.

Statement of the Case: No later than **January 16, 2025**, the parties shall file a consolidated, clear, concise statement of the case, to be read by the Court to the jury at the beginning of trial. If counsel are unable to agree to a consolidated statement of the case, they shall file separate statements of the case. The parties shall meet and confer about the statement of the case no later than **January 9, 2025**.

Jury Instructions: The parties shall meet and confer about proposed jury instructions no later than **January 9, 2025**. Plaintiffs are responsible for filing a set of requested jury instructions to which all of the parties agree. Requested instructions upon which the parties cannot agree must be filed separately by the requesting party. There shall be only one instruction per page and each instruction shall include a citation to supporting authority at the bottom of the page. All such filings are due **January 16, 2025**. On that same day, the parties must also email a copy of the instructions in Word format, without citations, to wormuthproposedtext@nmd.uscourts.gov.

A party must file written objections to an opposing party's requested instructions no later than **January 23, 2025**.

IT IS SO ORDERED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE
Presiding by Consent